

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 25195 of 2019

Date of Decision: March 06, 2020

Karamvir Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner has challenged order dated 29.04.2019 passed by the learned Financial Commissioner whereby his revision petition has been dismissed.

The case pertains to appointment of a Lambardar. Vide order dated 28.08.2014, the Collector appointed respondent No. 4 as Lambardar. The said order was reversed by the learned Commissioner vide his order dated 16.09.2016. In an appeal filed by the petitioner, order of the Commissioner was challenged by respondent No. 4 before the Financial Commissioner who has accepted the same. The order of the Collector has been upheld.

Learned counsel for the petitioner submits that order dated 16.09.2016 (Annexure P-2) passed by the Commissioner was a well reasoned order. Learned Commissioner examined the comparative merits of the candidates and found that the petitioner was more meritorious. The reasoning given by him is just and legal as he has found that the petitioner is elder and more mature and possesses more land in the village. Moreover, his father and grand father were

Lambardars and, thus, he is better suited to be appointed to the said post. Thus, the learned Financial Commissioner was not justified in reversing the said order.

It is settled law that choice of the Collector must be preferred unless the same is found to be perverse. While appointing respondent No. 4 as the Lambardar, the Collector has given cogent reasons. He has found that the said respondent is more educated, being younger in age and more active and energetic than the petitioner. There is no perversity in the said order and the learned Commissioner was not justified in reversing the same merely because he felt that on a comparative examination of the merits of the candidates that the petitioner was more suitable.

Thus, I do not find any error in the order of the learned Financial Commissioner. The writ petition is without any merit and the same is, accordingly, dismissed.

March 06, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No